

LOS ANGELES POLICE COMMISSION

*Review of Audit Division's
Motor Vehicle and Pedestrian Stops
Data Collection Audit
Fiscal Year 2005/2006
(AD No. C05-099)*



Conducted by the

OFFICE OF THE INSPECTOR GENERAL

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**OFFICE OF THE INSPECTOR GENERAL
REVIEW OF AUDIT DIVISION'S
MOTOR VEHICLE AND PEDESTRIAN STOPS DATA COLLECTION AUDIT**

PURPOSE

The Office of the Inspector General (OIG), pursuant to Consent Decree Paragraph 135, reviewed Audit Division's Motor Vehicle and Pedestrian Stops Data Collection (STOPS) Audit. The Audit was completed in the third quarter of Fiscal Year 2005/2006 and received by the OIG on April 5, 2006. The OIG assessed the Audit's completeness, findings, and quality.

BACKGROUND ON AUDIT DIVISION'S AUDIT

Audit Division conducted its fourth STOPS Audit and assessed the Los Angeles Police Department's (LAPD or Department) compliance with Consent Decree Paragraphs 104, 105, 128, and 131. Another relevant Consent Decree compliance requirement, Paragraph 103, is being evaluated by an outside vendor and will eventually be reviewed by the Monitor for compliance.¹

The Department requires an officer to complete a Field Data Report (FDR) when he/she detains a driver, as well as any passenger who is required to exit the vehicle, and pedestrians with few exceptions. Officers generally complete the FDR by accessing a Portable Officer Data Device System (PODDS) application via their handheld Pocket/Personal Computer (PC). The PODDS is connected to a wireless Local Area Network, and once the required information is input into the PC, it is saved to the LAPD PODDS intranet where it resides until it is approved by a supervisor or systematically kickbacked to the originating officer for correction. Once a supervisor approves the FDR and applicable corrections are made, the PODDS data is submitted to the STOP system. The completed FDR contains information regarding the names and serial number of officers conducting the stop, the demographics of the individuals who are stopped, the reason for the stop, searches conducted, search authority, seizures, and actions taken.²

Audit Division selected a sample of 160 FDRs, 44 Daily Field Activity Reports (DFARs), and 100 complaint investigation files in order to evaluate the Department's compliance with the relevant Consent Decree paragraphs and reported the compliance percentages in Table No. 1, on the next page. To identify its samples, Audit Division randomly selected FDRs from a Department-wide population of all FDRs completed and entered into the STOP system during an entire deployment period (DP).³ The FDRs were reviewed to determine whether they were administratively complete, input into the STOP system, consistent with associated documents and related underlying actions were appropriate. For DFARs, Audit Division selected one from a patrol unit and one gang unit (where applicable) from each of the 19 geographical areas, four traffic divisions, Metropolitan Division, and Operations-South Bureau. The DFARs were

¹ Paragraph 103 prohibits officers from using race, color, ethnicity, or national origin in conducting stops, detentions or activities following stops or detentions, except when engaging in appropriate suspect specific activity to identify a particular person or group.

² The demographics are the characteristics used to identify the individuals that are being stopped, such as gender, descent and age.

³ Audit Division selected DP 9 – 2005, which covered the period from August 21 through September 17, 2005, for their FDR sample selection.

examined to determine whether FDRs were completed when required and approved by a supervisor.⁴ Finally, Audit Division randomly selected certain complaint investigation files closed during 2005. The complaint investigation files were reviewed for activities that would require the completion of an FDR and, if applicable, Audit Division determined whether an FDR was completed.

TABLE NO. 1 – COMPLIANCE PERCENTAGES REPORTED BY AUDIT DIVISION

Objective	CD¶	Description	Compliance Percentage		
			Total	Non-GED	GED (CD ¶131)
1. Completeness					
a.	104	FDRs Completed When Required	99%	100%	98%
b.	105	FDRs Administratively Complete	100%	100%	100%
c.	128	FDRs Loaded to the STOP System	68% ⁵	NA	NA
2. Authenticity					
a.	128	FDRs Consistent with Associated Documents	96%	96%	96%
b.		Other Indicia of Inauthenticity or Incorrectness	97%	100%	89%
3. Underlying Actions					
	128	Legality of Actions	99%	100%	96%
4. Supervisory Oversight and Post Incident Review					
a.	128	Supervisory Review of the FDR	97%	NA	NA
b.		Supervisory Review of the DFAR	96%	95%	100%
c.		On-Scene Supervision	86%	100%	75% ⁶

Greater detail on Audit Division's methodology and findings can be found in Audit Division's Audit Report.

REVIEW METHODOLOGY

The OIG assessed the completeness, findings, and quality of Audit Division's Audit by reviewing the final Audit Report, Audit Work Plan, and Audit Division's Microsoft Access database (used to compile and analyze their audit results).⁷

⁴ Consent Decree Paragraphs 30 and 32 define the activities that require the completion of an FDR.

⁵ Audit Division reported a significant issue relating to DP 9 FDRs not uploaded to the STOP systems due to the implementation of enhanced validation controls within PODDS. Audit Division performed additional testwork in the first quarter 2006 and determined that generally the issue had not been addressed.

⁶ For the Gang Enforcement Detail (GED) FDRs reviewed, only four revealed evidence of on-scene supervision. One of these four stops had supervisory oversight issues related to a questionable search of an apartment for a suspect.

⁷ The OIG's review of supporting workpapers was based on a randomly selected one-tail sample size calculation with a 95 percent confidence level, an expected error rate of six percent, and a plus precision of seven percent, with samples selected from both the Department-wide and GED populations.

On June 28, 2006, the OIG met with Audit Division management to discuss the results of this review. At that time, Audit Division management indicated they were in general agreement with this review's findings.

REVIEW RESULTS

COMPLETENESS

To assess the Audit's completeness, the OIG reviewed Audit Division's Audit Report and supporting workpapers to ensure all applicable Consent Decree mandates were addressed and Audit Division selected a sample from a complete population.

Consent Decree Mandates Addressed

Audit Division's Audit Plan indicated that the scope of their review included an evaluation of the Department's compliance with Consent Decree Paragraphs 104; 105; 128; and 131 (a), (c), and (e). Consent Decree Paragraphs 104 and 105 specify the minimum required fields to be completed on an FDR for certain motor vehicle and pedestrian stops. Consent Decree Paragraph 128 requires the audit to review completeness, authenticity, underlying actions and supervisory oversight of the motor vehicle and pedestrian stops Department-wide; and Consent Decree Paragraph 131 (a), (c), and (e) requires a similar type of review for Gang Enforcement Details (GEDs).

The OIG determined that the Audit sufficiently met the requirements specified in Consent Decree Paragraphs 128 and 131 (c) and adequately evaluated the auditable documentation requirements specified in Consent Decree Paragraphs 104 and 105. However, given the scope of Audit Division's review, it was not feasible to assess paragraphs 131 (a and e).⁸ Audit Division plans to address these mandates in an overall assessment of GEDs scheduled for the first quarter of Fiscal Year 2006/2007.

Identification of a Complete Population

Department-Wide and GED - DFARs

Audit Division selected one patrol and one GED DFAR (if applicable) from each of the 19 geographical areas, four traffic divisions, Metropolitan Division and Operations South Bureau. The sampling methodology included the random selection of one day within DP 9. From the selected day, Audit Division randomly selected one watch, and then randomly selected one field unit from the watch. The DFAR for the selected field unit was then reviewed. For GEDs, Audit Division randomly selected another day, because many of the GEDs were not deployed on the selected day (Monday).

⁸ Consent Decree Paragraphs 131 (a and e) mandates that efforts be made to (a) identify individual officers within GED whose conduct warrants further scrutiny, and (e) audit the roles and conduct of supervisors of these units.

Based on the OIG's review, Audit Division's sampling methodology was sound in that it helped to ensure that all entities that initiate a high number of discretionary stops were considered for selection. To verify that units were selected from a complete population, the OIG judgmentally selected eight entities in order to validate Audit Division's testwork. The OIG identified a few issues regarding the completeness of the population that are noted below. Given the complexity in identifying a complete population for this Audit, it is the OIG's opinion that these issues did not notably impact the quality of the sampling selection process.

- For the 77th Street Area, watch 2, which was a 15-unit detail, was omitted from the population, so it had no chance of being randomly selected for testing.
- For the South Traffic Division, watches 2, 5, and 6 were omitted from the population, so they had no chance of being randomly selected for testing.⁹
- For the West Los Angeles GED, the unit randomly selected for review by Audit Division was not the unit that was actually tested by Audit Division.
- For the 145 patrol units deployed on the selected day during the 24 watches identified by Audit Division, four units from one watch (Northeast) were omitted from the random sampling calculation, so they had no chance of being randomly selected for testing.

FINDINGS

To assess the Audit findings, the OIG randomly selected a sample of 42 FDRs, 27 DFARS and 23 complaint investigation files previously selected and tested by Audit Division.¹⁰ The OIG performed this testwork in order to provide assurance that Audit Division adequately identified and reported all relevant issues. Based on the OIG's review, overall, Audit Division adequately identified and reported those concerns relevant to the ongoing operations of the Department. However, the following additional issues were identified by the OIG that Audit Division should have identified.

Review of FDRs

FDRs Consistent with Associated Documents – Consent Decree Paragraph 128

An FDR completed for the passenger of the vehicle indicated that the authority for the search of the person and the vehicle was consensual. However, the Arrest Report indicated that the search of the vehicle was conducted because, based on the objective symptoms displayed by the passenger as well as his admitted drug use, the officer formed the opinion that he was under the influence of a controlled substance and arrested him. Therefore, the FDR should have indicated that the search was "incident to arrest."

⁹ Watch 2 was a 13-unit detail, Watch 5 was a five-unit detail and Watch 6 was a one-unit Driving Under the Influence (DUI) detail.

¹⁰ Audit Division evaluated 160 FDRs, 44 DFARS, and 100 complaint investigation files.

FDRs Administratively Complete – Consent Decree Paragraphs 104 & 105

Audit Division reported that all 160 FDRs were administratively complete, but one FDR that OIG reviewed contained only the serial number of the officer completing the traffic citation and not the partner officer's serial number. According to Special Order No. 29, 2003, the officer completing the FDR shall record his serial number and the serial number of the partner officer.

Review of DFARs

FDRs Completed When Required – Consent Decree Paragraphs 104 & 105

A DFAR indicated that an FDR was completed for an FDRable activity, but based on inquiries performed on STOP, TEAMS II, FDR DP9 2005 database and Web PODDS ("kickback" database), it does not appear that the FDR was completed.^{11 12}

QUALITY

To assess the Audit's quality, the OIG evaluated the quality of both the Audit and the Audit Report.

Based on a review of Audit Division's Audit Work Plan, it appears that the Audit was properly planned, performed, and supervised. The Audit Work Plan, which documented their methodology, indicated that Audit Division considered all of the required Consent Decree mandates in the planning of their Audit. However, the OIG did note one area that requires their attention for the next audit. Specifically, the Audit did not evaluate the FDRs for consistency or completeness of incident numbers. During the OIG's review, one FDR was identified where it appeared the stop involved an encounter with just one individual; however, a review of the related DFAR indicated that the stop resulted in five FDRs completed for five different individuals. This anomaly was caused because the incident number was omitted from the FDRs. There was not enough information to determine if this absence of the incident numbers was due to the officer's neglect to enter it on the FDRs or his/her neglect to call in the arrival at the location to obtain an incident number.¹³ Without the incident number linking all of the FDRs completed during the stop, it may be difficult to determine the number of individuals stopped during an incident. Additionally, as TEAMS II separately captures each FDR completed, it

¹¹ TEAMS (Training Evaluation and Management System) II is being developed in compliance with a Consent Decree requirement and will be used predominately to monitor "at-risk" officers so that intervention, such as counseling and training, can be performed.

¹² Another related matter concerning a Departmental compliance requirement (Special Order 35, 2003) relating to DFARs was noted during the OIG's review. Specifically, one DFAR indicated that there were eight FDRs completed during the watch; however, based on the review of the officers' TEAMS, there were fourteen FDRs completed. Reference numbers for eight of these FDRs were not documented on the DFAR as required.

¹³ Officers arriving at a scene can either enter their location via their Mobile Digital Terminal (MDT) or call their location in to a Dispatcher. An incident number is assigned electronically as a result of the officer transmitting his/her location.

would be difficult to determine the number of stops completed by an officer in relation to the number of FDRs completed.

GLOBAL ISSUES

Although not related to the OIG's assessment of the Audit's quality, the following additional issues were noted.

Web PODDS FDR Limitations

The web PODDS FDR is currently limited to capturing information for only two officers assigned to a unit. In those instances when there are three officers assigned to a unit, such as for GEDs, the information on the third officer is not captured and therefore not uploaded into the STOP system and TEAMS.¹⁴ Given that STOP information for each officer is mandated by the Consent Decree to be collected and is used by the Department for various performance measurements, this limitation should be corrected.

Reporting District Inconsistencies

In Audit Division's Report, they indicated that they noted a 13 percent error rate when comparing the Reporting District noted on the FDR to the location information noted on supporting documents.¹⁵ According to Consent Decree Paragraphs 104 & 105, the Reporting District where the *stop occurred* should be documented on the FDR. Given the high percentage of inconsistencies related to the Reporting District, more guidance should be provided to officers, as it appears that there may be some confusion regarding the Reporting District to record on the FDR.¹⁶ It should be noted that Audit Division's prior Audit also noted a high error rate related to inconsistencies with Reporting District information on FDRs.

CONCLUSION

Overall, based on the OIG's review, the Audit was found to be complete, performed in a quality manner, and its findings were adequately supported.

¹⁴ During the OIG's review of the GED FDRs, it was noted in four instances that the FDR captured only two of three officers that were assigned to a gang unit.

¹⁵ Geographical areas are further broken down into Reporting Districts.

¹⁶ Some officers may be recording the Reporting District where the infraction was initially observed, instead of where the stop occurred, as required by Consent Decree Paragraphs 104 and 105.